

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Pure Barnyard, Inc.

v.

Civil No. 08-cv-00501-JL

Organic Laboratories, et al.

ORDER AFTER PRELIMINARY
PRETRIAL CONFERENCE

The Preliminary Pretrial Conference was held in chambers on **November 24, 2009**.

Trial is scheduled for the **September 2010** trial period. The plaintiff will file its Amended Complaint on or before **December 11, 2009**. Answers are due on or before **January 10, 2010**.

Discovery will be closed by **May 30, 2010**, and the summary judgment deadline is **June 1, 2010** (replies and surreplies will not be allowed). The parties will jointly file a Discovery Plan on or before **January 17, 2010**. The plan shall include a DeBenedetto disclosure deadline.

Summary Judgment. The parties and counsel are advised that compliance with Rule 56(e) and Local Rule 7.2(b), regarding evidentiary support for factual assertions, and specification and delineation of material issues of disputed fact, will be required.

Discovery disputes. Discovery disputes will be handled by the undersigned judge, as opposed to the Magistrate Judge, in the normal course. No motion to compel is necessary. The party or counsel seeking discovery-related relief should confer with adverse counsel to choose mutually available dates, and then contact the Deputy Clerk to schedule a conference call with the court. The court will inform counsel and parties what written materials, if any, should be submitted in advance of the conference call.

Customary motions to compel discovery, while disfavored by the undersigned judge, are nonetheless permissible. If counsel prefer traditional discovery litigation to the conference call procedure set forth above, any such motion to compel should expressly request, in the title of the motion, a referral to the United States Magistrate Judge. Such referral requests will normally be granted. If the Magistrate Judge is recused, alternate arrangements will be made.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: November 24, 2009
cc: Mark F. Weaver, Esq.
William S. Gannon, Esq.
Robert H. Miller, Esq.
Christopher Cole, Esq.